

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CIVIL NO. 03-00657 SOM-BMK
)	
Plaintiff,)	MEMORANDUM IN SUPPORT
)	
vs.)	
)	
WALTER W. AHUNA; ET AL.)	
Defendants.)	
)	
_____)	

MEMORANDUM IN SUPPORT

Comes now Plaintiff United States of America (hereinafter referred to as Plaintiff U.S.A), by and through its attorneys, EDWARD H. KUBO, JR., United States Attorney for the District of Hawaii and HARRY YEE, Assistant United States Attorney, and submits this memorandum in support of the motion to amend Order Approving Report of Commissioner, Confirming Commissioner's Sale of Property at Public Auction, Directing Distribution of Proceeds, for Disposal of Personal Property and for Writ Of Possession Filed May 15, 2006 to include an order allowing distribution of \$4,814.58 to the State of Hawaii.

Defendant State of Hawaii obtained a judgement against Defendant Walter Ahuna on August 31, 1992 in the District Court of the Second Circuit of the State of Hawaii. (See Exhibit "A" attached to the Declaration of Elton W.M. Au)

In this action, Defendant State of Hawaii filed an answer and affirmative statement of claim on December 22, 2003

asserting their claim to \$4,814.58 of the proceeds of this foreclosure action.

Pursuant to the Declaration of Deputy Attorney General Elton W.M. Au, Defendant State of Hawaii through inadvertence failed to request inclusion of their claim in the Court's order at or before the confirmation hearing on April 24, 2006.

Both Plaintiff U.S.A. and Defendant State of Hawaii believe that there is no prejudice to any party since Defendant State of Hawaii provided notice of its judgement and claim for \$4,814.58 in these proceedings.

DATED: June 22, 2006, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

/s/ Harry Yee
By _____
HARRY YEE
Assistant U.S. Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA